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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/712,312

11/14/2003

Hitoshi Yamagami

723-1451

8866

23117

7590

03/01/2007

NIXON & VANDERHYE, PC

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ARLINGTON, VA 22203

EXAMINER

THOMASSON, MEAGAN J

ART UNIT

PAPER NUMBER

3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No. 10/712,312	Applicant(s) YAMAGAMI, HITOSHI	
	Examiner Meagan Thomasson	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/14/03, 1/14/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/31/04, 6/28/06, 11/13/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The examiner acknowledges the amendments made to the title, abstract, specification, drawings and claims in order to correct idiomatic grammar. Claims 1-10 have been amended, and claim 11 has been added.

Specification

The disclosure is objected to because of the following informalities:

A substitute specification excluding the claims is required pursuant to 37 CFR 1.125(a) because the number of amendments made to the specification, abstract, and claims render them difficult to read.

A substitute specification must not contain new matter. The substitute specification must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. **An accompanying clean version (without markings) and a statement that the substitute specification**

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contains no new matter must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-3, 5-8,10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohno et al. (US 5,609,525) in view of what is well known to one of ordinary skill in the art.

Regarding claims 1,5,7,10 and 11, Ohno discloses a game machine that is provided with an electrically rewritable non-volatile memory (col. 5, lines 42-45; Ohno discloses the primary embodiment as utilizing a volatile SRAM, but also contemplates the use of a non-volatile EEPROM) having two or three game data backup areas, said

game machine capable of writing game data to said backup areas, (col. 5, lines 31-37),
comprising

a backup memory area selector for selecting, as a write-objective backup area
for storing last game data (Fig. 10, ST6),

a backup area containing previously stored game data of older writing age
among said two or more backup areas (Fig. 10, ST7),

a memory controller for writing the last game data to a backup area selected as
said write-objective backup area selected by said area selector (col. 5, line 66 – col. 6,
line 3),

a processing mechanism for determining whether or not a writing of the last
game data can be performed by said memory controller (col. 5, line 60 – col. 6, line 3)

a selection repeater for repeating a selection of the write-object backup area, if it
is determined that writing of the last game data can not be performed (Fig. 10, ST9 step
b)

a writing prohibitor for prohibiting a writing to said write-objective backup area
only when a backup area containing game data saved before the last game data
becomes selectable as a write-objective backup area (Fig. 10, ST7, wherein any non-
selected SRAM area is given write protection, including the area containing game data
written immediately before last game data). Additionally, in the abstract Ohno discloses
that “the saved memory is write protected when the save memory does not perform the
save operation so that for example when the game is terminated in the midway thereof,
the data of the state at that termination can be saved”.

Ohno does not disclose the use of a memory area selection process that evaluates memory areas to determine the oldest writing age among said memory areas. Instead, Ohno allows the player to choose the memory area that they would like to assign the backup game data to be written to. However, the use of a circular buffer in writing data to memory is well known in the art. As a circular buffer writer pointer steps incrementally through areas where data is to be stored and all of the storage areas become full, the buffer writer pointer resets and begins to write over the first area containing the oldest written data. This is well known throughout the art, and the use of this technique in the instant invention does not render the invention new, novel, or unobvious. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the circular buffer technique to write over the oldest data set in the memory storage areas.

Regarding claims 2 and 6, wherein said processing mechanism records historical information used for determining relative age of generated game data, said historical information being included as part of said last game data, and said selector selects, before writing the last game data, a backup area stored with game data written earlier than the last game data as the write-objective backup area, Ohno discloses recording historical game data information in Fig. 6, wherein the year, month, date, day of the week, hour and minute are recorded.

Regarding claims 3 and 8, wherein said writing prohibitor includes a writing process terminator for forcibly terminating a writing process of the last game data when only the backup area stored with the game data written immediately before the last

game data becomes selectable by said area selector as the write objective area, Ohno discloses that upon the selection of a writing area the writing prohibitor will provide write protection to the non-selected SRAM writing areas (Fig. 10, ST7). Following this step, Ohno discloses that the user may return to the SRAM selection screen (Fig. 10, ST9 step b), which effectively terminates a writing process of the game data.

Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohno et al. (US 5,609,525) in view of Himoto et al. (US 6,478,679).

Regarding claims 4 and 9, Ohno does not disclose that the game machine as described above further comprises a message displayor for displaying a predetermined alarm message when the writing is prohibited by said prohibiting means. Himoto et al. discloses a memory device for backing up game data featuring a write protection feature that prevents a player from inadvertently writing over previously saved game data. Additionally, the invention disclosed by Himoto features a memory card confirmation of contents display that may be provided to a player in order to indicate whether or not the game data has been written to said memory card (Fig. 16; col. 14, lines 29-36). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Ohno and Himoto due to their analogous inventions of non-volatile memories for storing backup game data with write protection features.

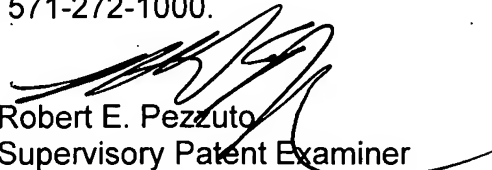
Conclusion

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pertinent prior art includes Okada et al. (US 5,014,982) and Pease et al. (US 4,948,138), both drawn to memory devices for backing up game data. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan Thomasson whose telephone number is (571) 272-2080. The examiner can normally be reached on M-F 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert E. Pezzuto
Supervisory Patent Examiner
Art Unit 3714

Meagan Thomasson
February 27, 2007